WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (SUPPLEMENTARY SHEET)

International reference PCT/EP2004/053227

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: US 2002/165783 A1 (GONTHIER JEAN-CHARLES ET AL) November 7, 2002 (2002-11-07)

D2: EP-A-1 361 550 (SIEMENS AG) November 12, 2003 (2003-11-12)

D3: EP-A-1 349 359 (SIEMENS AG) October 1, 2003 (2003-10-01)

1. Independent claim 1

Document D1 (cf. in particular paragraphs 0019-0078) discloses, according to most of the features of claim 1, a billing device in a communication network, which receives a service request initiated by a client (paragraph 0032-0037), generates a billing reference for the client with respect to the service request (paragraphs 0038-0044), which the client has to quote in a subsequent service request to an application server (paragraphs 0051-0054), receives billing tickets produced by the aforementioned application server, the tickets containing information with respect to the charges that fall due for a service user prior to or during the use of the service (paragraphs 0056-0063) and carries out a registration of charges for the ticket (0020-0022; 0075-0076).

It is obvious to a person skilled in the art that the known billing device suffers from the disadvantage that before it carries out a registration of charges with respect to a service used by the client, it does not ask the client whether it is actually using the service.

The problem with the known billing device is therefore that it does not provide a reliable charging function for the clients.

The concept of an arrangement and a method to confirm a payment procedure with respect to a service that has been used is already known from the cited document D3 (cf. in particular paragraphs 0005-0009; 0018-0019; 0025-0033). In the cited document D3, a gateway (service brokering device) (paragraphs 0005-0009) in a communication network receives a request for a link (paragraph 0025) initiated by a communication terminal (client) (paragraph 0025). A charge computer then informs the gateway of the client's request for a link (paragraphs 0025-0028). The charge computer sends an information message to the client. The information message contains information about charges relating to the communication link. The client confirms in a confirmation message that it is in agreement with the billing (paragraphs 0029-0033). The charge computer then carries out a registration of charges (paragraph 0028). The arrangement disclosed in cited document D3 solves the problem of the reliability of the charging function.

Taking as its point of departure the billing device that is generally known and defined in D1, and with a knowledge of D3, it would therefore be an obvious step for a person skilled in the art to transfer the teaching of D3 to the billing device from D1 with a corresponding effect, and thus arrive at a reliable billing device according to the subject matter of claim 1.

The subject matter of claim 1 does not therefore involve an inventive step (PCT Article 33 (3)).

2. Independent claim 10

Document D1 (cf. in particular paragraphs 0019-0078) discloses, according to most of the features of claim 10, an application server which receives a service request from a client, said service request containing a reference to a billing device (paragraphs 0051-0055), generates billing tickets with respect to the service and sends these to the billing device if it accepts the service request, the tickets containing information regarding the charges that fall due for the client prior to or during the use of the service, and maintains the provision of the service

(paragraphs 0020; 0021; 0056-0073).

The differences between the application server according to claim 10 and the known application server is that the application server receives notifications from the billing device as to whether the tickets have been confirmed by the client and that the application server maintains the provision of the service for as long as the tickets have been positively confirmed by the client.

These distinguishing features are known from the cited document D3, however (cf. in particular paragraphs 0027-0033), wherein a connecting node (application server) receives notifications from a charge computer as to whether a communication terminal is agreed with the charges that will fall due for a communication link (paragraphs 0029-0030). The connecting node maintains the communication link for as long as the communication terminal sends a positive confirmation message to the charge computer (paragraphs 0031-0033).

The subject matter of claim 10 therefore merely contains a combination of known or obvious steps that are each used in their normal method of action. An inventive interaction that goes beyond the expected summative effect, in the form of a mutually effective support such that a new technical effect would be achieved, does not occur in the present case.

The subject matter of claim 10 therefore does not involve an inventive step (PCT Article 33 (3)).

3. Independent claim 15.

Document D2 (cf. in particular paragraphs 0009-0010; 0015-0031; claim 5) discloses, according to most of the features of claim 15, a client that makes a service request to a service brokering device (paragraphs 0015-0016), receives a reference for the requested service following successful authentication of the service request (paragraphs 0016; 0020), establishes, on the basis of the aforementioned reference, a service link with an application server in the service requested

(paragraphs 0020-0022).

The only differences between the client according to claim 15 and the known client which are not explicitly suggested by D2 are that, according to claim 15, the client receives from a billing device confirmation requests with respect to charges falling due for the service and verifies and acknowledges these confirmation requests with the billing device.

These distinguishing features are known from the cited document D3, however (cf. in particular paragraphs 0027-0033), wherein a communication terminal (client) receives from a billing device an information message with respect to charges falling due for a communication link (a service), and verifies and acknowledges this message (paragraphs 0029-0033).

The subject matter of claim 15 therefore merely contains a combination of known or obvious steps that are each used in their normal method of action. An inventive interaction that goes beyond the expected summative effect, in the form of a mutually effective support such that a new technical effect is achieved, does not occur in the present case.

The subject matter of claim 15 therefore does not involve an inventive step (PCT Article 33 (3)).

4. Independent claim 17.

Document D1 (cf. in particular paragraphs 0019-0078) discloses, according to most of the features of claim 17, a method for billing a service in a communication network, according to which a service request is initiated by a client to a billing device (paragraphs 0032-0037), authentication of the client is then carried out with the aid of the billing device (paragraphs 0024-0027), a billing reference is generated by the billing device for the service request (paragraphs 0038-0044), the client is sent the aforementioned billing reference and a reference is sent to the billing device, a service link is established by the client with an application server for the

requested service on the basis of the billing reference and the application server is given the billing reference and the reference for the billing device (paragraphs 0051-0055), tickets are produced by the application server and sent to the billing device, the tickets containing information regarding the charges that fall due prior to or during the use of the service and the ticket is used by the billing device to register the charges (paragraphs 0020; 0056-0063).

It is obvious to a person skilled in the art that the known method suffers from the disadvantage that before it carries out a registration of charges with respect to a service used by a client, that the client is not asked whether it is actually using the service.

The problem with the known method is therefore that it does not provide a reliable charging function for the clients.

The concept of a method to confirm a payment procedure with respect to a service that has been used is already known from the cited document D3 (cf. in particular paragraphs 0005-0009; 0018-0019; 0025-0033). In the cited document D3, a gateway (service brokering device) (paragraphs 0005-0009) in a communication network receives a request for a link initiated by a communication terminal (client) (paragraph 0025). After authentication of the client (paragraphs 0022, 0025 and 0026), a charge computer informs the gateway of the client's request for a link (paragraphs 0025-0028). The charge computer sends an information message to the client. The information message contains information about charges relating to the communication link. The client confirms in a confirmation message that it is in agreement with the billing (paragraphs 0029-0033). The charge computer then carries out a registration of charges (paragraph 0028). The method disclosed in the cited document D3 solves the problem of the reliability of the charging function.

Taking as its point of departure the method that is generally known and defined in D1, and with a knowledge of D3, it would therefore be an obvious step for a person skilled in the art to transfer the teaching of D3 to the method of D1 with a corresponding effect, and thus arrive at a method

for billing a service according to the subject matter of claim 17.

The subject matter of claim 17 does not therefore involve an inventive step (PCT Article 33 (3)).

5. Dependent claims 2-9, 11-14, 16 and 18

The features set out in dependent claims 2-9, 11-14, 16 and 18 likewise fail to add any inventive input to the subject matter of claims 1, 10, 15 and 17.

Dependent claims 2-9, 11-14, 16 and 18 merely contain simple process or design measures that are routine steps for a person skilled in the art. These features can either be deduced from the aforementioned prior art (D3, paragraphs 0027-0033 for claims 2-9, 11, 14 and 18; D2, paragraph 0031 and claim 5 for claim 16) or represent standard measures that do not go beyond the scope of normal expert knowledge.

Dependent claims 2-9, 11-14, 16 and 18 are therefore not inventive (PCT Article 33 (3)).